



U.S. Environmental Protection Agency

Region 1 – New England
5 Post Office Square – Suite 100
Boston, MA 02109-3912

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

DEC 01 2015

Michael Carter
Chief Administrative Officer
City of New Haven
165 Church Street
New Haven, CT 06510

Re: Request for Information Pursuant to Section 308 of the Clean Water Act
EPA Docket No. CWA-308-R01-FY16-02

Dear Mr. Carter:

The City of New Haven (the "City") owns and operates at least three facilities or systems permitted under the National Pollutant Discharge Elimination System ("NPDES"): a Municipal Separate Storm Sewer System ("MS4"), the New Haven Department of Public Works Central Services Building ("DPW Yard"), and the New Haven Refuse Vehicle Garage ("Refuse Vehicle Garage").

Section 301(a) of the Clean Water Act (the "Act"), 33 U.S.C. § 1311(a), makes unlawful the discharge of any pollutant into waters of the United States except in compliance with an NPDES permit and other enumerated provisions of the Act. Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes the Environmental Protection Agency ("EPA") to require the owner or operator of a point source to provide information needed to determine whether there has been a violation of the Act.

The City is hereby required, pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), to respond to this Request for Information (the "Request") within **60 calendar days of the receipt of this letter**. Please read the instructions in Attachment A carefully before preparing your response and answer each item in Attachment B as clearly and completely as possible.

Your response to this Request must be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification, Attachment C, is attached to this letter.

Attachment D contains photos from an inspection performed by EPA at the City's DPW Yard on April 8, 2014.

Information submitted pursuant to the Request shall be submitted on paper **and in a searchable electronic format** to the following addresses:

John Melcher
Mail Code: OES04-1
US EPA, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912
melcher.john@epa.gov

and

Kim Hudak
BWM/WPED
CT DEEP
79 Elm Street
Hartford, CT 06106-5127
kim.hudak@ct.gov

Compliance with this Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond within the time frames specified herein, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

If you have questions regarding this Request, please contact John Melcher, Enforcement Officer, at (617) 918-1663 or have your attorney contact Jeffrey Kopf, Senior Enforcement Counsel, at (617) 918-1796.

Sincerely,



James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Electronic cc: John Melcher, US EPA
Jeffrey Kopf, US EPA
Kim Hudak, Connecticut Department of Energy and Environmental Protection

Attachment A

Information Request

1. Provide a separate narrative response to each and every item and subpart thereof set forth in this Request. Precede each response with the text and the number of the item and the subpart to which the response corresponds.
2. If you cannot respond to any item in full, respond to the extent possible. If your responses are qualified in any manner, explain.
3. Any documents referenced or relied upon by you to respond to the Request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the item and subpart to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.
4. If information or documents not known or not available to you as of the date of the submission of the response to this Request should later become known, or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is inaccurate or incomplete, you must notify the EPA of this finding as soon as possible and provide a corrected response.

Attachment B

Questions

I. Municipal Separate Stormwater Sewer System ("MS4")

Discharges of stormwater from the City's MS4 are authorized by the General Permit for the Discharge of Stormwater from Small MS4s ("MS4 Permit"), initially issued by the Connecticut Department of Energy and Environmental Protection ("CT DEEP") on January 9, 2004. The MS4 Permit was renewed without changes by CT DEEP on January 9, 2009, January 9, 2011, and on January 9, 2013.

Please respond to the following items regarding the City's MS4 program:

- A. In the City's April 16, 2015, response to EPA's March 2015 Request for Information ("April 2015 Response"), the City stated that it has utilized a consultant to update its Stormwater Management Plan ("SWMP"), and that the SWMP would be provided to EPA and CT DEEP upon completion. State whether or not the SWMP has been revised. If the SWMP has been updated, provide the revised SWMP. If the SWMP has not been updated, provide a schedule for its revision.
- B. In the City's April 2015 Response, the City stated that it was preparing an ordinance to prohibit non-stormwater discharges, as required by Section 6(a)(3)(A)(i) of the MS4 Permit. State whether an ordinance has been approved by the City. If the ordinance has been approved by the City, provide a copy of the ordinance and explain the procedures that the City has in place to ensure compliance with the ordinance. If an ordinance has not been implemented by the City, provide a schedule according to which the ordinance will be submitted to the City's Board of Alders, and a schedule that represents the City's best estimate for when the ordinance will be reviewed, approved, and implemented.
- C. In the City's April 2015 Response, the City stated that it was conducting Illicit Discharge Detection and Elimination ("IDDE") investigations for six outfalls (outfall designations: 70, 109, 147, 156, 180, and Gando Drive).
 1. For the six outfalls identified in the City's April 2015 Response, provide the following information on the IDDE investigations performed or to be performed, pursuant to Section 6(a)(3)(B)(iii) of the MS4 Permit:
 - a. A detailed explanation of the process and steps involved in the City's IDDE investigations to detect, track, and eliminate illicit discharges throughout the drainage areas discharging to these outfalls, and to confirm that no illicit discharges remain at the completion of the IDDE investigations;
 - b. Maps that indicate the manholes, pipes, buildings, Combined Sewer Overflow regulators, and other items investigated;

- c. Results of all water quality tests performed;¹
 - d. All manholes or other locations in each drainage area where the City found evidence of illicit discharges, and the evidence that supports these determinations;
 - e. All manholes or other locations in each drainage area where the City determined that evidence of illicit discharges was not present, and the evidence that supports these determinations;
 - f. Locations of all confirmed sources of illicit discharges found, the date on which each illicit source was confirmed, and the evidence that supports these determinations;
 - g. Whether the confirmed sources of illicit discharges have been eliminated, and if so, on what date;
 - h. The entity that eliminated the illicit discharge(s) (*i.e.* the City or a private entity); and
 - i. If the confirmed sources of illicit discharge(s) have not been eliminated, the schedule according to which the illicit discharge(s) will be eliminated.
2. For all other outfalls in the City's MS4, provide the following information on how the City complies with the measures described in Sections 6(a)(3)(B)(iii) and (iv) of the MS4 Permit:
- a. Provide a detailed explanation of the IDDE program that the City implements and enforces to detect, track, and eliminate existing and future illicit discharges, including, but not limited to, the City's approach for screening outfalls for the presence of illicit discharges;
 - b. The date, if any, that each outfall was inspected for dry weather flow;
 - c. Maps showing the locations of all outfalls or other MS4 components at which dry-weather outfall inspections have been performed;
 - d. Observations, including results of all water quality tests performed, from dry-weather investigations of outfalls;²
 - e. Detailed information, including dates, maps, and observations, from the City's program to detect and track illicit discharges, other than the dry-weather outfall investigations inquired about in items I.C.2.b through d of this Request; and

¹ It is not necessary to provide copies of analytic lab reports for each water quality test – summary tables of results are preferred.

² *Ibid.*

- f. All information from IDDE investigations performed by the City, as outlined in item I.C.1. of this Request.

II. Department of Public Works – Central Services Building (“DPW Yard”)

Discharges of stormwater from the City’s Department of Public Works – Central Services Building (“DPW Yard”) are authorized by the General Permit for the Discharge of Stormwater Associated with Industrial Activity (“ISW Permit”) initially issued by CT DEEP on October 1, 1992. The ISW Permit was most recently re-issued on October 1, 2002, and on October 1, 2011 (“2011 ISW Permit”).

Please respond to the following items regarding the DPW Yard:

- A. Visual monitoring results submitted by the City state that on November 7, 2013, December 23, 2013, and September 6, 2014, an oil sheen was observed in stormwater discharges from Outfall 001. On November 7, 2013, December 23, 2013, and April 15, 2014, an oil sheen was observed in stormwater discharges from Outfall 002. Describe control measures that the City has adopted or plans to adopt to prevent discharges that contain distinctly visible floating oil, as required by Section 5(a)(3) of the 2011 ISW Permit. If the control measures have not yet been adopted by the City, provide a schedule according to which the control measures will be adopted.
- B. During EPA’s inspection on April 8, 2014, EPA observed the following examples of poor housekeeping practices at the DPW Yard (refer to Attachment D for photographs):
- Large amounts of sand present on the ground on the rear driveway surrounding Catch Basin 4 (Photos 9, 10, and 12);
 - An uncovered pile of street sweepings debris present upgradient of Catch Basin 6 (Photos 14 and 15); and
 - Open and spilled containers were present around the Hazardous Waste Storage Area (Photos 16 – 18).

Inspection reports and memos prepared by the New Haven Engineering Department regarding the DPW Yard dated February 22, 2011, March 24 and 25, 2011, August 17 and 18, 2011, March 21, 2012, October 11, 2012, August 29, 2013, December 30, 2013, July 11, 2014, and January 30, 2015, describe poor housekeeping at the facility, including the following:

- Dust and debris present due to lack of sweeping,
- Failure to cover the salt storage pile,
- Failure to cover dumpsters,
- Materials stored uncovered outside the Hazardous Waste Storage Area,
- Evidence of oil spills on the garage floor and tracking outside the garage doors,
- Absorbent material (i.e., “Speedi-Dry”) not removed following its application on oil spills, and
- Trash present around the facility.

In the City’s response to EPA’s March 2015 Request for Information, the City stated that it had initiated a program to document housekeeping practices and inspections at the

facility. Provide all available documentation of good housekeeping measures performed at the site from May 1, 2015, through October 31, 2015.

- C. During EPA's inspection on April 8, 2014, EPA observed several dumpsters that were not being loaded or unloaded and did not have covers. Provide the City's plan to cover dumpsters as required by Section 5(b)(9)(B) of the 2011 ISW Permit.
- D. In the City's response to the March 2015 EPA Request for Information, the City stated that the DPW Yard's current SWPPP was prepared by TurnKey Compliance Solutions, LLC, and was dated November 2006. In May 2014, the City provided EPA with a SWPPP for the DPW Yard prepared by the New Haven Engineering Department and dated December 2008. EPA assumes that the City's response to the March 2015 Request for Information reflects a typographical error and the SWPPP for the Refuse Vehicle Garage was mistakenly identified. If the City has a more recent SWPPP for the DPW Yard than December 2008, provide the SWPPP in response to this Request. If the SWPPP from December 2008 is indeed the most recent version, the SWPPP does not provide all of the information required by Section 5(c)(2) of the 2011 ISW Permit. Pursuant to Section 5(c)(5) of the 2011 ISW Permit, submit an updated SWPPP that includes the following information:
 - 1. The members of the Pollution Prevention Team for the facility, as required by Section 5(c)(2)(C) of the 2011 ISW Permit.
 - 2. Site map(s) including all of the information required by Section 5(c)(2)(D)(i) of the 2011 ISW Permit.
 - 3. Identification of the Hazardous Waste Storage Area in the Summary of Potential Pollutant Sources, as required by Section 5(c)(2)(D)(iii) of the 2011 ISW Permit.
 - 4. A description of the monitoring program and sampling data, as required by Section 5(c)(2)(J) of the 2011 ISW Permit. Include data for all visual monitoring, general monitoring, toxicity monitoring, and additional monitoring performed for discharges to impaired waters since January 1, 2011.
- E. For any monitoring parameter for which the last four monitoring events exceed the benchmarks provided in Section 5(e)(1)(B)(ii) of the 2011 ISW Permit, review the selection, design, installation, and implementation of the facility's control measures to determine if modifications are necessary to meet the benchmarks, as required by 5(e)(1)(B)(iv) of the 2011 ISW Permit. Provide a description of what actions, if any, the City will be taking to meet the benchmarks.

III. Refuse Vehicle Garage

Discharges of stormwater from the City's Refuse Vehicle Garage, like the DPW Yard, are authorized by the 2011 ISW Permit issued by CT DEEP.

Please respond to the following items regarding the Refuse Vehicle Garage:

- A. Visual monitoring results submitted by the City state that on November 7, 2013, and on December 23, 2013, an oil sheen was observed in stormwater discharges from Outfalls 001 and 002. Describe control measures that the City has adopted or plans to adopt to prevent discharges that contain distinctly visible floating oil, as required by Section 5(a)(3) of the 2011 ISW Permit. If the control measures have not yet been adopted by the City provide a schedule according to which the control measures will be adopted.
- B. Toxicity monitoring results submitted by the City state that on September 18, 2012, stormwater discharges from Outfalls 001 and 002 were determined to be acutely toxic. Describe control measures that the City has adopted or plans to adopt to prevent discharges that result in pollution due to acute toxicity, as required by Section 5(a)(4) of the 2011 ISW Permit. If the control measures have not yet been adopted by the City, provide a schedule according to which the control measures will be adopted.
- C. Memoranda submitted by the New Haven Engineering Department to the New Haven Department of Public Works regarding the Refuse Vehicle Garage dated February 22, 2011, January 28, 2013, January 15, 2014, July 24, 2014, and January 14, 2015, describe poor housekeeping at the facility, including the following:
 - Dust and debris present due to lack of sweeping,
 - Evidence of oil spills on the garage floor and tracking outside the garage doors,
 - Absorbent material (i.e., "Speedi-Dry") not removed following its application on oil spills,
 - Trash present around the facility, and
 - Waste containers left uncovered and the materials within exposed to stormwater.In the City's response to EPA's March 2015 Request for Information, the City stated that it had initiated a program to document housekeeping practices and inspections at the facility. Provide all available documentation of good housekeeping measures performed at the site from May 1, 2015, through October 31, 2015.
- D. The facility's SWPPP (dated November 2006) does not provide all of the information required by Section 5(c)(2) of the 2011 ISW Permit. Pursuant to Section 5(c)(5) of the 2011 ISW Permit, submit an updated SWPPP that includes the following information:
 1. The members of the Pollution Prevention Team for the facility, as required by Section 5(c)(2)(C) of the 2011 ISW Permit.
 2. Site map(s) including all of the information required by 5(c)(2)(D)(i) of the 2011 ISW Permit.
 3. A description of the monitoring program and sampling data, as required by Section 5(c)(2)(J) of the 2011 ISW Permit. Include data for all visual monitoring, general monitoring, toxicity monitoring, and additional monitoring performed for discharges to impaired waters since January 1, 2011.

- E. For any monitoring parameter for which the last four monitoring events exceed the benchmarks provided in Section 5(e)(1)(B)(ii) of the 2011 ISW Permit, review the selection, design, installation, and implementation of the facility's control measures to determine if modifications are necessary to meet the benchmarks, as required by 5(e)(1)(B)(iv) of the 2011 ISW Permit. Provide a description of what actions, if any, the City will be taking to meet the benchmarks.

End of Questions.

Attachment C

Statement of Certification

Complete and Include With Your Response

I declare under penalty of perjury that I am authorized to respond on behalf of the City of New Haven. I certify that the foregoing responses and information submitted were prepared by me, or under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Printed)

(Title)

(Date)

Attachment D

Photos from April 8, 2014, inspection of the DPW Garage

Num.	Area of facility	Subject of photo
9	Depressed yard	Catch basin 4, rear entrance



Num.	Area of facility	Subject of photo
10	Depressed yard	Rear entrance



Num.	Area of facility	Subject of photo
12	Depressed yard	Catch basin 4 close-up



Num.	Area of facility	Subject of photo
14	Materials storage	Debris pile



Num.	Area of facility	Subject of photo
15	Materials storage	Catch basin 6



Num.	Area of facility	Subject of photo
16	Materials storage	Hazardous Waste Storage Area



Num.	Area of facility	Subject of photo
17	Materials storage	Open bucket near Hazardous Waste Storage Area



Num.	Area of facility	Subject of photo
18	Materials storage	Spilled bucket near Hazardous Waste Storage Area

